

REMARKS

1. Restriction Requirement

The Examiner has maintained the full scope of the restriction requirement. Applicant has, therefore, cancelled claim 32 as being drawn to a non-elected invention and reserves the right to file a divisional application to pursue this claim.

2. Priority

The Examiner has acknowledged Applicant's claim for foreign priority but notes that a certified copy of DE 199 53854.9 (not 199 53 844.9) had not been submitted. Applicant hereby submits a certified copy of the foreign priority application to perfect their priority claim under 35 U.S.C. §119(b).

3. Specification

The Examiner objected to the presence of hyperlinks in the Specification and suggested that the Specification be arranged as provided under 37 C.F.R. §1.77(b). Applicant hereby submits a substitute copy of the Specification arranged in the manner suggested by the Examiner. Applicant has corrected misspellings and has removed the hyperlinks. No new matter has been added.

4. Abstract

The Examiner has objected to the Abstract. Applicant has amended the Abstract and believes that it complies with the rules. The revised Abstract is presented on a separate sheet attached hereto.

5. Claim Objections

The Examiner has objected to certain phrases, misspellings and other informalities in the claims. Applicant has amended the claims and believes that the amendments obviate the objections raised by the Examiner. Reconsideration and removal of the objection is respectfully requested.

6. Claim Rejections under 35 USC §112, second paragraph

The Examiner has rejected to claims 1-31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner recommended amending claim 1 to define the steps of the method a positive and active fashion and to clarify a phrase in step (a) of claim 1. The Examiner also pointed out that the term "region selectivity" lacked antecedent basis in claim 4. Applicant has amended the claims to correct the antecedent basis problem and has clarified the language in claim 1. These amendments are believed to have overcome the indefiniteness rejections. Reconsideration and removal of the rejections is respectfully requested.

7. Claim Rejections under 35 U.S.C. §102(b) and §103(a)

The Examiner rejected claims 1, 4, 7-9 14 and 15 as anticipated by Brenner WO 00/14282. The Examiner has also rejected claims 2, 3 and 5 as obvious in view of Brenner. Claim 6 was rejected as obvious over Brenner in view of Weghorst et al. And, claims 10, 29, 30 and 31 were rejected as obvious in view of Brenner in view of Weghorst et al (102(e) date February 13, 1998). Applicant has perfected their foreign priority claim to DE 199 53 854.9 (filing date – November 9, 1999). Therefore, the Brenner reference (16 March 2000) does not qualify as prior art. Accordingly, the anticipation and obviousness rejections which rely upon Brenner must fall. Reconsideration and removal of the anticipation and obviousness rejections is respectfully requested.

Favorable consideration and early allowance of the claims is requested.

If the Examiner has any questions concerning this application, he is requested to contact Leonard Svensson (Reg. No.: 30.330) the undersigned at (714) 708-8555.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachments: Substitute Specification w/ markings shown
 Pending Claims w/ status and markings shown
 Abstract w/ markings shown

Enclosed for the correspondence is being sent by the United States Postal Service as first class mail in an envelope to the United States Patent and Trademark Office, Washington, D.C.

Feb 27 2003
 (Date of deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Dusan M. Jengudthy
 (Signature)
Feb 27 2003
 (Date of Signature)